

EXHIBIT 1

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1 IN THE UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF DELAWARE

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4 CORDIS CORP., : CIVIL ACTION
5 Plaintiff :
6 vs. :
7 MEDTRONIC AVE, INC., :
8 BOSTON SCIENTIFIC CORP. :
9 and SCIMED LIFE SYSTEMS, INC., :
10 Defendants : NO. 97-550 (SLR)

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11 MEDTRONIC AVE, INC., : CIVIL ACTION
12 Plaintiff :

13 vs. :
14 CORDIS CORPORATIKN, JOHNSON & :
15 JOHNSON and EXPANDABLE GRAFTS :
16 PARTNERSHIP :
17 Defendants : NO. 97-700 (SLR)

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18 BOSTON SCIENTIFIC CORPORATION, : CIVIL ACTION
19 Plaintiff :

20 vs. :
21 ETHICON, INC., CORDIS CORPORATION :
22 and JOHNSON & JOHNSON :
23 INTERVENTIONAL SYSTEMS CO., :
24 Defendants : NO. 98-19 (SLR)

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27 Wilmington, Delaware
28 Thursday, February 10, 2005
29 5:07 o'clock, p.m.

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31 BEFORE: HONRABLE SUE L. ROBINSON, Chief Judge

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33 Valerie J. Gunning
34 Official Court Reporter

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1 there are any other issues with respect to other
2 proceedings. I know there's an issue with respect to the
3 use of the verdict in this case for the arbitration with
4 respect to whether the ACS Multi-link is covered by this
5 patent, and I think that's an important issue, and I
6 would like to hear from you folks about that, because
7 it's difficult for me, the ACS stent of all the stents
8 that were at issue initially was the stent that most
9 closely -- was most closely patterned after some of the
10 claims because it's a tube, if slots were taken out.

11 You know, so it's hard for me to imagine
12 that there's a real issue here, but obviously, I'm not
13 an advocate, I've just sat through this testimony
14 enough.

15 So, Mr. Underhill, why is it that you think
16 Cordis has to prove this once again? And I assume you're
17 only bringing this up because somewhere you believe they
18 are precluded from proving it in this trial. Otherwise,
19 we're just talking about ten minutes of testimony?

20 MR. UNDERHILL: Your Honor, we believe that
21 they can put on testimony with respect to the ACS. What
22 they can't do is rely upon the arbitration decision.

23 The arbitration decision was under a
24 different claim construction. It was under a different
25 claim construction with respect to substantially uniform